IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 29502 of 2006(K)

C.M.A. NO. 46/2006 OF ADDL. DISTRICT COURT, N. PARAVUR.

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PETITIONER:

DR. VINCENT, D/O. KOCHUVAREETH,
CHAKYATH HOUSE, KANJIRAKKATTU ,
PERUMBAVOOR.

BY ADV. SRI.S.SREEKUMAR,
SRI.P.MARTIN JOSE.

RESPONDENTS:

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1. **THE ASST. EXECUTIVE ENGINEER,**
   KERALA STATE TRANSPORT PROJECT,
   DIVISION OFFICE, MUVATTUPUZHA.

2. **THE ORIENTAL STRUCTURAL CO. LTD.,**
   REPRESENTED BY THE PROJECT MANAGER,
   THRIKKALATHUR, MUVATTUPUZHA.

BY GOVERNMENT PLEADER SMT. R. BINDU,
SRI.JACOB P.ALEX (ADV.COMMISSIONER).

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007,ALONG WITH W.P.(C). NO. 32335/2006 & W.P.(C). NO. 32341/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29502/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT IN O.S. NO. 369/2005 OF MUNSIFF'S COURT, PERUMBAVOOR.

EXT.P.2: COPY OF THE COMMISSION REPORT IN I.A. NO. 2632/2005.

EXT.P.3: COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENTS TO THE INJUNCTION PETITION.

EXT.P.4: COPY OF THE ORDER IN I.A. NO. 2631/2005 IN O.S. NO. 369/2005 DTD. 20/03/2006.

EXT.P.5: COPY OF THE ORDER IN C.M.A. NO. 46/2006 DTD. 27/09/2006 OF THE LOWER APPELLATE COURT.

RESPONDENT'S ANNEXURE:

ANNEXURE R1.A: COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE PROPERTIES AND THE BRIDGE.

ADVOCATE COMMISSIONER'S ANNEXURES:

ANNEXURE C1: COPY OF THE NOTICE DTD. 30/07/2007.

ANNEXURE C2: COPY OF THE ROUGH SKETCH OF ALL THE PROPERTIES INVOLVED IN THE CASE.

ANNEXURE C3 SERIES (14 NUMBERS): PHOTOGRAPHS.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C)Nos.29502, 32335 & 32341/2006

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Dated this the 23rd day of July, 2007

O R D E R

These are applications filed for issuance of a Commission to report about the present physical features of the property. I feel for a proper determination of the case, a plan and a report are necessary and therefore a Commission has to be appointed to note down the particulars stated in the petition as well as in the statement filed by the Government. Sri.Jacob P.Alex, Advocate is appointed as Commissioner and towards initial remuneration, parties are directed to pay him a sum of Rs.10,000/-(rupees ten thousand only) in the 3 cases together. The Commissioner shall note the particulars mentioned in the petition and in the statement and in case of necessity for additional points, the parties may submit their work memo before the Commissioner, so that he can point out that and look into the same. If the assistance of a Taluk Surveyor is necessary, he can seek the same for satisfactorily completing the work.

For Commissioner's report, post after 3 weeks.

M.N.KRISHNAN, JUDGE

Cdp/-